



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

NOTICE OF DECISION

DECISION FILED WITH THE OFFICE OF CITY CLERK ON JULY 6, 1984

(Any person aggrieved by a decision of the Board of Zoning Appeal may appeal to the Superior Court. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty days after the date of filing of such notice in the office of the City Clerk.)

Petitioner: Jacques Sultan, Trustee
871 Massachusetts Avenue Realty Trust

Premises: 871 Massachusetts Avenue, Cambridge, Mass.

Petition: Variance: Construction of a building and parking facilities for office purposes and possible residential use of the penthouse floor. Special Permit: Reduction of required parking; insufficient setbacks.

Decision: Granted, with the following conditions:

1. The design of the Lee Street facade of the Project building shall be enhanced and this design shall be submitted to the Board or its authorized representative(s) for review and approval.
2. The final screening and planting plan for the Project shall be submitted to the Board or its authorized representative(s) for review and approval.
3. All noise generating construction work on the Project shall be commenced after 8:00 a.m.
4. There shall be no loading operations conducted on the street at Lee Street, and the leases for the Project shall contain a prohibition against such loading operations on Lee Street.
5. The Project shall include signage directing loading operations to be conducted in the driveway area off Lee Street.
6. All trash shall be disposed of in an enclosed trash containment area located adjacent to the loading area and hidden from public view.

7. The ramp leading to the underground garage from Massachusetts Avenue shall be widened at the Massachusetts Avenue end, so as to permit the safe passage of two vehicles, without one vehicle being forced to back up across the sidewalk and onto Massachusetts Avenue.

8. Prior to obtaining the Building Permit for the Project, the final design plans for the Project shall be submitted to the Board for approval by the Board or its authorized representative(s) as being consistent with the conditions and intent of this Decision. Such approval shall be endorsed on said final design plans by the Board or its authorized representative(s) and shall evidence the approval required by this condition numbered 8 and also the approvals required by conditions numbered 1 and 2 hereof.

Eileen McGaughey
Secretary

CITY OF CAMBRIDGE
BOARD OF ZONING APPEAL

RECEIVED BY
OFFICE OF CITY CLERK

JUL 6 4 23 PM '84

CAMBRIDGE, MASS.

CASE NO.: 5118

LOCATION: 871 Massachusetts Avenue Office 3 Zone
Middlesex County South District Registry of Deeds,
Book 15073, Page 499

PETITIONER: Jacques Sultan, Trustee of 871 Massachusetts
Avenue Realty Trust

PETITION: Variances: Article 5.000, Sections 5.22 (open
space); 5.32 (Dimensions); Article 6.000,
Sections 6.34 (type of space); 6.36 (required
parking); 6.42 (size); 6.441 (setbacks); 6.47
(screening); 6.481 (landscaping); 6.80 (loading);
6.90 (location and layout of loading facilities)
in order to allow for the construction of a
building having approximately 27,152 sq. ft. of
gross floor area with related off-street parking
facilities to be used for office purposes and
possible residential use of penthouse floor.
Special permits under Article 6.000, Sections
6.35 (reduction of required parking) and 6.441(g)
(insufficient setback of parking areas and
driveways).

DATES OF PUBLIC NOTICE: May 24 and 31, 1984

DATE OF PUBLIC HEARING: June 7, 1984

MEMBERS OF THE BOARD: Hugh Russell, Chairperson
Brendan Sullivan, F. L. Clauson
Melvin Gadd and Lisa deLima

The Board heard the petition of Jacques Sultan, Trustee of
871 Massachusetts Avenue Realty Trust, (hereinafter "Mr.
Sultan") requesting certain Special Permits and Variances with
respect to the proposed construction of a building at 871
Massachusetts, Cambridge which would have approximately 27,152
square feet of gross floor area with related off-street parking
facilities (hereinafter the "Project"). The Project is pro-
posed to be used primarily for office purposes and possible
residential use of the penthouse floor.

The Board first heard the presentation by Mr. Sultan and
his architect and attorney, and then listened to the comments
of all interested persons in attendance, including neighborhood

representatives and abutting landowners and tenants. The majority of the abutting landowners who spoke were in favor of the Project design, feeling that it sensitively addressed the need to integrate with the surrounding neighborhood. Those who spoke in opposition to the Project were Robert LaTremouille, Abraham Moscow, who owns the apartment building at 881-885 Massachusetts Avenue, and certain tenants in Mr. Moscow's building. Their objections centered around potential retail use of the first floor, the setbacks of the Project along Massachusetts Avenue and Lee Street and traffic impacts. The Board also considered the comments of the Planning Board which were favorable to the Project.

This Decision sets forth a description of the relief requested by Mr. Sultan, the Board's findings with respect to the facts relevant to the Special Permits and Variances requested by Mr. Sultan and the Board's decision with respect to said Special Permits and Variances.

A. The Special Permits and Variances Requested

Mr. Sultan and his representatives described the proposed Project and outlined the Special Permits and Variances being requested and the reasons for each one. These Special Permits and Variances are as follows:

1. Special Permit under Section 6.35 to allow a reduction of five spaces in the off-street parking requirement of 37 spaces. The 37 space parking requirement for the Project is computed upon the assumption that approximately 8,500 square feet of the Project could be used for the offices of a medical practitioner, with the balance of the office space being used for non-medical purposes. Since the parking requirements in the City of Cambridge Zoning Ordinance (hereinafter the "Zoning Ordinance") are based upon types of use, it was felt that allowance should be made in the event that part of the Project (up to 8,500 square feet) was rented to physicians or other medical practitioners. If no medical practitioners were to occupy the Project, this Special Permit would not be necessary, since the 32 spaces to be provided are sufficient to satisfy the off-street parking requirements for other office uses. For the reasons set forth in his written petition to the Board, Mr. Sultan believes that his request for this Special Permit satisfies the applicable requirements of the Zoning Ordinance, and offers desirable flexibility by allowing for limited use of the Project by physicians and other medical practitioners.

2. Special Permit under Section 6.441(g) allowing relief from the requirements of Section 6.441(b), since limited portions of the on-grade parking spaces and driveways for the Project will be located within five feet of the side property lines. (Note: the lot on which the Project is to be constructed is a corner lot bounded by Lee Street and Massachusetts Avenue, and therefore has two front yards and two side yards - See Section 5.243). This Special Permit is necessitated by the over-all layout of the Project
3. Variance from Section 4.35 which prohibits retail uses in an Office 3 Zone, so that certain specifically defined retail uses may be allowed on the first floor (street level) of the Project. Mr. Sultan believes that the proposed limited retail uses would enhance street level activity at the Project and allow for a more interesting and diverse street level environment. He indicated that the list of proposed uses was carefully selected to exclude uses such as a restaurant, liquor store or other similar uses which could be regarded as potentially disruptive to the surrounding neighborhood. The retail uses proposed by Mr. Sultan are not listed in detail here, since after further consultation with interested persons, Mr. Sultan has asked the Board to allow him to withdraw this variance request, and we have voted to permit him to do so.
4. Variance from the requirements of Section 5.22 with respect to usable open space. This variance request is applicable to the extent that part of the Project is used for residential purposes, since Section 5.22 applies usable open space requirements only to lots used for residential purposes. If a portion of the Project is used for residential purposes, the Project will not satisfy the need for open space areas which have certain minimum lengths and widths and which satisfy certain standards of accessibility, all as set forth in said Section 5.22. It was noted that landscaped open areas are in fact being provided as part of the Project, but that such areas do not satisfy the usable open space requirements of Section 5.22.
5. Variance from the requirements of Section 5.32 with respect to the minimum front yard setbacks along both Lee Street and Massachusetts Avenue where the Project building is proposed to be constructed up to the property line. The reason for this variance is to allow the Project to have greater setbacks from both side lot lines so as to permit a building location and configuration which minimizes the Project's impacts on adjacent properties. Mr. Sultan noted that no other

variances under Section 5.32 were being requested, since the Project complies with the applicable Floor Area Ratio and other requirements set forth in Section 5.32.

6. Variance from the requirements of Section 6.315 which would require commercial uses to have a commercial parking space for each commercial vehicle customarily used in conjunction therewith. Given the limitations on Project parking and the specific types of retail uses proposed, Mr. Sultan asked that no commercial vehicle space(s) be required. As already noted, the variance request to permit retail uses in the Project has been withdrawn, and therefore this variance request is now moot.
7. Variance from the requirements of Section 6.34 which provides that no more than 50% of the required parking spaces may be designed for compact cars. Mr. Sultan stated that of the 32 parking spaces to be provided in the Project, 11 were regular sized and 21 were compact sized, hence necessitating a variance. Mr. Sultan described the parking layout and design in detail and expressed the view that, given the present size of cars and the trends to reduction in vehicle size, the additional compact spaces would not adversely affect the Project's parking supply.
8. Variance from the requirements of Sections 6.36, 6.80 and 6.90 with respect to the provision of certain specified loading facilities. Mr. Sultan stated that while one loading bay would be required under these sections of the Zoning Ordinance, it was proposed that none be provided given the Project design and site constraints. Loading is proposed to occur off the driveway at the rear of the Project building in an area which lies under the overhang of the building, so that it will be sheltered from the elements and visually screened. Access to this driveway is from Lee Street.
9. Variance from the requirements of Section 6.42 in the event that the Board determines that in those locations where a compact car and a regular car be parked across the aisle from each other, the aisle should be 22' in width (that required to accommodate regular cars). This is the case, because in those locations in the Project the aisles are narrower due to the constraints on the site and the Project design. In this regard, it was noted that the underground garage was designed to accommodate the maximum potential size, so that it could accommodate regular cars.

feet away from the abutting property suited to the north and thereby minimize the harm to the root systems of several substantial trees on such abutting property.

10. Variance from the requirements of Sections 6.441(c) and 6.441(d), since one parking space along Lee Street will be located in the required front yard along that street in violation of Section 6.441(c). Also, landscaping shall not be provided along Lee Street in accordance with the requirements of Section 6.44(d), although there will be screening provided along Lee Street.

11. Variance from the strict requirements of Section 6.47 which sets forth certain screening standards. Mr. Sultan stated that a screening wall is in fact being provided for the on-grade parking area situated off Lee Street, but that the wall along Lee Street is not designed to be at least 4' tall as required by Section 6.47, but rather is to range in height from 2'6" to 3'. This on-grade parking area is also to be screened from abutting lots by a planting screen which may in fact satisfy the requirements of Section 6.47. However, since flexibility is desired in tailoring such screening to the needs of the site and the neighborhood, it is proposed that the final Project plans for screening and landscaping design be submitted to the Board for its approval, and that, to the extent such plans require a variance from the strict requirements of Section 6.47, such a variance be granted.

12. Variance from the requirements of Section 6.481 which specifies detailed landscaping standards for on-grade open parking facilities containing five or more spaces. The Project's on-grade parking facility contains more than five spaces, but is nevertheless small and contained. Mr. Sultan stated the belief that the requirements of Section 6.481 were designed more for larger parking facilities and were not feasible when applied to the Project; nor would compliance with requirements enhance the Project.

B. The Findings of the Board.

After reviewing Mr. Sultan's petition, hearing the presentation by Mr. Sultan and his representatives with respect to the Project and the proposed Special Permits and Variances, listening to the comments of all persons in attendance who wished to be heard, and considering the comments of the Planning Board and the City of Cambridge Traffic and Parking Department, the Board makes the following findings:

1. The Project is to be constructed on a relatively small parcel of land situated at the corner of Lee Street and Massachusetts Avenue, which parcel is located at a significantly lower grade than the abutting property to the North. These site constraints require a carefully designed structure which relates sympathetically to the surrounding properties and structures.

2. The Project design is a carefully integrated whole, which effectively takes into account the special constraints of the site and relates sensitively to the surrounding properties.

3. Mr. Sultan has consulted with the neighboring landowners, neighborhood representatives and other interested persons and has attempted to address and accommodate their concerns to the maximum extent feasible. This Board has been favorably impressed by the degree of this consultation and the level of support for the Project expressed by many of the abutters.

4. The design of the Project involves an unusual degree of architectural detailing which the Board finds to be desirable and which will make the Project better suited to the surrounding area.

5. With respect to the Special Permit requested under Section 6.35 the Board finds that the requested reduction of five spaces in the potentially required 37 spaces will not lead to excessive congestion, nor will it endanger public safety. The Board also finds that given the fact that the Project is proximate to the Central Square MBTA station, as well as is served by the regular bus service along Massachusetts Avenue, the reduction in required spaces is not likely to substantially reduce parking availability for other uses nor adversely impact the surrounding neighborhood.

6. With respect to the Special Permit requested under Section 6.441(g) the Board finds that given the over-all Project design, the encroachments by limited portions of the on-grade parking spaces and driveways into the area lying within five feet of side property lines are not likely to adversely affect the abutting properties or neighborhood.

7. The Board finds that the justifications advanced by Mr. Sultan in his petition for the two above-referenced Special Permits are supported by all of the evidence, and therefore the Board hereby expressly incorporates by reference said justifications as elements of its independent findings with respect to the Project and attaches the same to this Decision as Exhibit A.

8. With respect to the requested Variances (excluding, however, the Variance requested from Section 4.35 which has been voluntarily withdrawn and the Variance requested from Section 6.315 which is thereby rendered unnecessary), the Board carefully reviewed the entire Project concept and found that the justifications advanced by Mr. Sultan in his petition with respect to the Variances were fully substantiated by the facts. Therefore, the Board hereby expressly incorporates by reference these justifications as elements of its independent findings and attaches the same to this Decision as Exhibit B. In addition, the Board has made certain further specific findings with respect to the requested Variances, and these are set forth in paragraphs B(9) through B(12) hereof.

9. With respect to the front yard Variances requested from the requirements of Section 5.32, the Board carefully evaluated the alignment of the Project building on the site and its impacts on the surrounding properties. This consideration was aided by a model of the Project. As a result of this review, the Board finds that the proposed location of the building most sensitively addresses the neighborhood as a whole and does not create any substantial detriment to the public good nor does it nullify or substantially derogate from the intent or purpose of the Zoning Ordinance. Instead, given the unique characteristics of the shape and topography of the site, the proposed building location, with the resulting reduction in the required front yards, is appropriate. In particular, it is to be noted that the positioning of the Project building closer to Lee Street and Massachusetts Avenue has the following effects which the Board believes benefit the affected neighborhood as a whole and are consistent with the intent and purpose of the Zoning Ordinance:

a. The positioning of the Project building closer to Lee Street allows the Project building to be separated from the neighboring building to the east (863 Massachusetts Avenue) by a distance which is more reasonably equivalent to (although still being less than) the distance which will separate the Project from the neighboring building which lies to the west across Lee Street (881 Massachusetts Avenue). In this connection it is to be observed that both the building at 863 Massachusetts Avenue and the building at 881 Massachusetts Avenue have windows along the length of their elevations which face the Project.

b. The moving of the Project building closer to Massachusetts Avenue allows the building to be better aligned with the existing buildings fronting on Massachusetts Avenue and lying to the east and west of the Project.

c. If the Project building were to be constructed without the proposed front yard Variances, its location and likely configuration with respect to height and massing would be more detrimental to the neighboring properties as a whole than the proposed Project location and configuration which reasonably accommodates the varying interests of all the neighboring properties. Therefore, while taking into account the concerns expressed by the owner of the building at 881 Massachusetts Avenue, the Board believes that the failure to grant the front yard Variances would result in substantial hardship to the interests of the surrounding properties taken as a whole.

The only qualification to the findings in this paragraph B(9) are that further design enhancement of the Lee Street facade of the Project building is to be desired, and the further review of the design of said facade is made a condition of this Decision.

10. With respect to the requested Variances from the requirements of Sections 6.34 and 6.42 dealing with the proposed increase in compact car spaces over the 50% maximum limit and the issue of the appropriate width of the aisles, the Board noted the concern expressed by the City of Cambridge Traffic and Parking Department that certain of the spaces which were designated as being designed for regular cars might prove too tight for such cars given the limited maneuvering room. Thus, the Board concludes that certain of the Project's designated regular car spaces may as a practical matter be most conveniently used by compact cars. The Board also concludes that where a regular car is parked opposite a compact car the aisle width should be 22', not 20'. However, the Board finds that given (a) the unique site constraints, such as the need to preserve the trees on the abutting property which caused Mr. Sultan to reduce the size of the underground garage, and (b) the fact that the average size of cars has been reduced and this trend appears to be continuing, the requested Variance is appropriate. The only potential detriment perceived as possibly resulting from the proposed sizing of the parking area, aisles and access driveways is that the entrance ramp to the underground garage might be too narrow to conveniently allow for two cars to pass at the same time, with the result that an incoming car might be forced to back up across the sidewalk and onto Massachusetts Avenue. Therefore, it is a condition of this Decision that the said entrance ramp be widened at the Massachusetts Avenue end, so as to permit the safe passage of two vehicles.

11. With respect to the requested Variances from the requirements of Sections 6.36, 6.80 and 6.90 dealing with the provision of loading docks, the Board finds that due to the unique constraints of the site it is not feasible to construct a loading dock satisfying these requirements. The Board also finds that the proposed loading arrangement in the driveway off of Lee Street offers an acceptable alternative, provided that the following conditions are satisfied in order to avoid potential adverse impacts on the surrounding properties and neighborhood and to serve the intent and purpose of the Zoning Ordinance:

(a) There may be no loading operations conducted on-street along the Lee Street frontage, and the leases for the Project shall contain a prohibition against such loading operations.

(b) The Project shall include signage directing loading operations to be conducted in the driveway area off Lee Street.

(c) All trash shall be disposed of in an enclosed trash containment area located adjacent to the loading area and hidden from public view.

12. With respect to the Variances requested from the requirements of Sections 6.441(c), 6.441(d), 6.47 and 6.481, the Board is persuaded that the unique considerations associated with the Project site, in combination with the design of the Project which effectively addresses these site considerations, supports the granting of the desired relief. In particular, the Board finds that the the proposed screening and landscaping of the site will serve the public interest and the intent and purpose of the Zoning Ordinance without the necessity of strict compliance with the requirements of Sections 6.441(c), 6.441(d), 6.47 and 6.481. To insure that the screening and landscaping as described to the Board by Mr. Sultan and his representatives is in fact fully implemented in the final detailed Project plans, the Board is imposing a condition to this Decision that the final screening and planting plan for the Project be submitted to the Board or its authorized representatives for its or his approval and endorsement.

C. The Decision of the Board

Therefore, the Board of Zoning Appeal by unanimous vote, approves and grants the Special Permits under Sections 6.35 and 6.441(g) and the Variances from Sections 5.22, 5.32, 6.34, 6.36, 6.42, 6.441(c), 6.441(d), 6.47, 6.481, 6.80 and 6.90 requested by Mr. Sultan, as Petitioner. The Board of Zoning Appeal, also by unanimous vote, authorizes Mr. Sultan to with-

draw without prejudice his requests for Variances from Sections 4.35 and 6.315.

This Decision is subject to the following conditions:

1. The design of the Lee Street facade of the Project building shall be enhanced, and this design shall be submitted to the Board or its authorized representative(s) for review and approval.
2. The final screening and planting plan for the Project shall be submitted to the Board or its authorized representative(s) for review and approval.
3. All noise generating construction work on the Project shall be commenced after 8:00 a.m.
4. There shall be no loading operations conducted on the street at Lee Street, and the leases for the Project shall contain a prohibition against such loading operations on Lee Street.
5. The Project shall include signage directing loading operations to be conducted in the driveway area off Lee Street.
6. All trash shall be disposed of in an enclosed trash containment area located adjacent to the loading area and hidden from public view.
7. The ramp leading to the underground garage from Massachusetts Avenue shall be widened at the Massachusetts Avenue end, so as to permit the safe passage of two vehicles, without one vehicle being forced to back up across the sidewalk and onto Massachusetts Avenue.
8. Prior to obtaining the Building Permit for the Project, the final design plans for the Project shall be submitted to the Board for approval by the Board or its authorized representative(s) as being consistent with the conditions and intent of this Decision. Such approval shall be endorsed on said final design plans by the Board or its authorized representative(s) and shall evidence the approval required by this condition numbered 8 and also the approvals required by conditions numbered 1 and 2 hereof.

This Decision does not relieve the Petitioner in any way from the duty to comply with requirements of the Building Code or other applicable laws and regulations. The Board of Zoning Appeal is empowered to waive local zoning regulations only.


Hugh Adams Russell, Chairperson
-10- 03741

ATTEST: A true and correct copy of decision filed with the
offices of the City Clerk and Planning Board on July 6, 1984
by Eileen McLaughlin, Secretary

Date: _____

Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____

Appeal has been filed and dismissed or denied _____

Date: _____

City Clerk, City of Cambridge

EXHIBIT A

The Board expressly finds the following with respect to the requested Special Permits:

1. The affirmative tests set forth under Section 6.35 are satisfied, since the reduction in required parking will not lead to excessive congestion nor will it endanger public safety. Moreover, the loss of the spaces will not substantially reduce parking availability for any other uses, nor will it adversely impact the surrounding neighborhood. In this connection, it should be noted that the Project is reasonably proximate to and is likely to be served by the Central Square MBTA Station, as well as regular public bus service along Massachusetts Avenue. Moreover, fewer parking spaces are likely to encourage use of mass transit and to discourage additional motor vehicle use with its attendant traffic impacts.

2. The criteria set forth in Section 10.43 are satisfied, since the granting of the requested Special Permits would not be to the detriment of the public interest because:

(a) The requirements of the Zoning Ordinance can be met. Note in this regard the immediately preceding discussion under paragraph 1 of this Exhibit A.

(b) The traffic to be generated by the Project and the patterns of access and egress to the Project will not cause congestion or other hazards, or result in a substantial change in the established character of the neighborhood. In fact, the Project is being carefully designed to avoid congestion and other hazards by dividing the total parking impact between on-grade and below grade parking areas having separate points of gate-controlled access and egress. Furthermore, the architectural design of the on-grade parking facilities is sensitively calculated to avoid adverse impact upon the character of the neighborhood.

(c) The continued operation or development of adjacent uses as permitted by the Zoning Ordinance will not be adversely affected by either the proposed Project or the Special Permits being requested. The proposed uses of the Project are consonant with the operation and development of adjacent uses in the Office 3 zoning district along Massachusetts Avenue. In addition, the design of the Project, including the design of the Project's off-street parking facilities, is specifically calculated to harmonize architecturally with the surrounding uses along Lee Street and Massachusetts Avenue. Therefore, the Project and the

Special Permits which are associated with it will not adversely affect adjacent uses.

(d) The proposed Special Permits will not create any nuisance or hazard to the detriment of the health, safety or welfare of the occupants of the proposed use or the citizens of the City of Cambridge, since the reduction in parking spaces and the location of parking within five feet of the side property line will not generate such adverse effects. Rather, such Special Permits will allow the Project to be sensitively developed in a manner which serves the interests of the users thereof, while at the same time effectively integrating the Project with the adjacent lots and surrounding neighborhood.

(e) The Special Permits requested will not impair the integrity of the Office 3 zoning district or adjoining zoning districts, nor will they otherwise derogate from the intent and purpose of the Zoning Ordinance. As previously noted, the Special Permits are limited in character, dealing with the number of parking spaces and their specific location on the land at 871 Massachusetts Avenue, Cambridge and are desired so that the Project design may satisfy the requirements of the Office 3 zoning district in which it is situated, while also being in harmony with adjoining districts and the intent and purpose of the Zoning Ordinance.

EXHIBIT B

The Board expressly finds the following with respect to the requested Variances:

- (1) Without the granting of such Variances, it would not be possible to construct a building on the land at 871 Massachusetts Avenue, Cambridge (hereinafter the "Land") which would effectively address the constraints of the site, while at the same time satisfying the concerns of the neighborhood for a structure which is attractive and complementary so as to fit within the fabric of the surrounding area. The Project design involves an unusual degree of architectural detailing and use of design features which increase the Project cost, but operate to provide a building more uniquely suited to the surrounding area. Given these factors, literal enforcement of the Zoning Ordinance would involve substantial hardship in terms of developing a building which is economically viable, while at the same time satisfying the concerns of the neighboring community.
- (2) The hardship just described owes to circumstances relating to both the shape and topography of the Land, as well as to the proposed design of the Project. In particular, the Land is a relatively small parcel located at the corner of Massachusetts Avenue and Lee Street and is at a significantly lower grade than the abutting lot situated to the north. This means that the design of the Project must adjust effectively to the lines of the two streets abutting the Land, as well as relate sympathetically to the surrounding properties in light of the change in topography. These constraints involving the Land have led to the design of a structure which works well within the special constraints imposed by the Land and sensitively addresses the design issues with respect to the surrounding property. This combination of circumstances affecting the Land, and thus the design of the proposed structure, do not generally affect the Office 3 zoning district in which the Land is located, since they are site-specific to the Land and proposed structure.
- (3) Desirable relief, as requested by the Petitioner, may be granted (1) without substantial detriment to the public good and (2) without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance. In fact, as already noted, the purpose for requesting the Variances is to permit the construction of a structure which sympathetically addresses itself to the surrounding neighborhood within the constraints of the location, shape

and topography of the Land. Therefore, the reason for the requested Variances is to better provide for the public good and to reinforce the intent and purpose of the Zoning Ordinance.

RECEIVED BY
OFFICE OF CITY CLERK

JUL 17 10 23 AM '84

CAMBRIDGE MASS.

348 Franklin Street
Cambridge, Massachusetts 02139

July 13, 1984

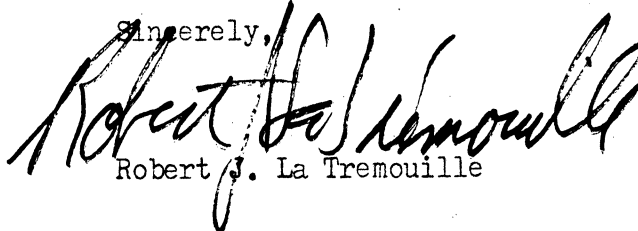
To the Honorable, the Cambridge City Council:

Enclosed for your information and guidance is the BZA decision in the 871 Massachusetts Avenue matter. The two page document was supplied by the Building Department in response to a request for the decision; the 14 page document was supplied by the City Clerk.

The challenge is now official. The Board of Zoning Appeals has joined the Community Development Department and the Planning Board in open defiance of the City Council.

The City Council has 20 days from July 6 to implement actions necessary to regain control of its staff.

Sincerely,



Robert J. La Tremouille

S/491

Comm. from Robert J. LaTremouille, transmitting for informational purposes a copy of the Board of Zoning Appeal decision Re: 871 Mass. Avenue.

In City Council,

August 15, 1984

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on
File -